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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,834	04/14/2004	Roy R. Fennimore JR.	CRD-5078NP	5531

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EXAMINER

AZPURU, CARLOS A

ART UNIT	PAPER NUMBER
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1615

MAIL DATE	DELIVERY MODE
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07/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Receipt is acknowledged of the amendment filed 04/27/2009. Information disclosure statements were filed 04/23/2009, 03/06/2009 and 02/09/2009.

The rejections under 35 USC112, first paragraph and 35 USC 102(b) are withdrawn in view of applicant's amendment.

The rejection under 35 USC 103(a) over Faxon in view of Tardiff is maintained in this action.

Response to Arguments

Applicant's arguments filed 04/27/2009 have been fully considered but they are not persuasive.

Applicant argues that neither reference , whether taken alone or in combination disclose or even suggest the combination of a device, a polymeric solution, a therapeutic agent and an antioxidant.

However, applicant does not address why both references would not be combined in order to obtain the same therapeutic result. Faxon sets out a polymeric coated stent containing rapamycin. Tardiff additionally shows the effect of antioxidants such as probucol in treating restenosis. Combining the two in a polymeric stent would therefore flow from their teachings that they are used to treat the same disease. As

such, the instant invention would have been obvious to one of ordinary skill in the art at the time of invention given the combined teachings of Faxon in view of Tardiff.

Articles by Yokio et al and WO/2005/016399 from applicant's recently filed IDS are cited as articles teaching the use of antioxidants in treating restenosis and antioxidants in stents, respectively.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Azpuru whose telephone number is (571) 272-0588. The examiner can normally be reached on Tu-Fri, 6:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos A. Azpuru/
Primary Examiner, Art Unit 1615

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